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MEMOIRS

Of the RIGHT HONOURABLE

Duncan Forbes, Esq;

Late of CULLODEN.

(Price ONE SHILLING.)

MEMOIRS
OF THE
LIFE
Of the Late RIGHT HONOURABLE
Duncan Forbes, Eſq;
Of CULLODEN;
LORD-PRESIDENT
OF THE
COURT of SESSION
IN
SCOTLAND.

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BRITISH MUSEUM

MEMOIRS

Of the RIGHT HONOURABLE

DUNCAN FORBES, Eſq;

Late of *Culloden.*

THE following memoirs contain ſome paſſages of the life of one of the greateſt of men; a man univerſally known to the world, by his name, and by his performances; and therefore 'tis ſcarce to be imagin'd, that the reader is impoſed upon by a fictitious title, or even the ſallies of romance; eſpecially if authority of undoubted credit can be adduced in ſupport of what is averr'd: They are the memoirs of the juſtly celebrated *Duncan Forbes* of *Culloden*, Eſq; a man of ſuch abilities, as would have enabled him to make a bright figure in any ſtation of life, ſo univerſal was his genius; and who ſhone with

with a dazzling ſplendor in the ſtation wherein he was placed; but before I proceed directly to draw his character, I hope it will not be improper to give a ſhort account of the family of the *Forbeſes*, from whence he derives his origin; which indeed tho' an ungrateful task, as it expoſes one to the malice and revenge of every trifling petty fogger, if things be not repreſented according to his caprice, is yet indiſpenſibly neceſſary here.

THE *Forbeſes* in general are deſcended from a *French* family, which to this day goes by the name of *Forbin*; and it is obſervable, that ſuch *Frenchmen* as are of that ſirname, generally lay claim to the acquaintance and friendſhip of the *Forbeſes* whenever they meet together. In the year 1708, when the *French* king ſent over the *Pretender* to *Scotland*, Admiral *Forbin* diſcover'd a particular pleaſure on hearing that ſeveral of his name * were in the country, and very much wanted to have an opportunity to ſee them.

THO' the name be from a *french* extract, yet thoſe of *Scotland* did not immediately come from the *Gallic* ſtock, but from *Ireland*. For in the year 1300, a nobleman of that kingdom came into *Scotland*, and ſignaliz'd himſelf by his bravery and reſolution, in the cauſe of *Robert*

* *Forbes*, which indeed very much reſembles *Forbin*.

Bruce,

Bruce, commonly call'd *Robert* I. who rewarded him with ſeveral lands, and dignified him with honours. The eldeſt of his ſons ſettled in *Aberdeen-ſhire*, and entered into the poſſeſſion of the eſtate which at preſent belongs to lord *Forbes*; whereas the younger went in queſt of an abode in *Strathnavern*, and by a marriage procur'd the lands of *Strathie*, and gave riſe to the family of the *M'Kays*.

THE head of the family, match'd with the chief nobility, for the *Forbeſes*, diſcovered a truly martial and heroic turn of mind upon every occaſion, and evidenc'd how much they were actuated by a ſpirit of true zeal for the honour and welfare of their country, upon every emergency, and complicated diſtreſs: For in the time of the earl of *Mar*'s regency, during Queen *Mary* of *Scotland*'s confinement in *England*, they eſpouſed the cauſe of king *James*, and reſiſted the *Gordons*, who declared themſelves in favour of the Queen, notwithſtanding her reſignation to her ſon: That princeſs's affairs are too delicate for me to touch, and the brevity I propoſe, will not admit of digreſſions: I ſhall only obſerve what relates to the *Forbeſes*, who were at that time a very powerful name; ſince their diſputing with the *Gordons*

is

is a clear demonſtration of their ſtrength. They fought under one *Arthur Forbes*, a man of great reſolution and bravery, againſt the *Gordons* then commanded by *Adam Gordon*, ſecond ſon to the earl of *Huntley*, whoſe ſingular dexterity in attacking one party of them before its junction with the other, muſt for ever be admired; and as neighbours, when at variance, are the moſt inexorable, ſo the *Forbeſes* to their loſs found the reſentment and vengeance of the conquerors, and as they tried the fortune of war with the victorious *Adam*, they were routed after an obſtinate reſiſtance, and by this means expoſed to the effects of a former hatred, now more than ever kindled up by new fewel that was vigorouſly fomenting the flame; the *Gordons* * put ſeveral of them to the ſword, and almoſt extirpated the whole; however, in a ſhort time after a young generation appear'd, but were never able to retrieve their antient luſtre.

AMONG the ſeveral branches of lord *Forbes*'s family, was one *Forbes* of *Tolqhoun*, and from

* It is obſervable that the *Gordons* have diſtinguiſhed themſelves in the field more than any one name in *Scotland*, tho' they have not always been engaged in the beſt cauſe, which may be owing to their diſtance from court, or rather to the political dexterity of the *French* king, who always kept a correſpondence with them; yet no men when freed from *French* influence have prov'd better patriots.

thence

thence did deſcend, the illuſtrious perſon the ſubject of theſe memoirs; at what particular period the family of *Culloden* came from that of *Tolqhoun*, is not very material, nor can it well be aſcertain'd; its probable ſeveral years interveen'd from their anceſtor *Tolqhoun*, and their being put in poſſeſſion of *Culloden*; the firſt of this laſt family was a merchant in *Inverneſs*, in the time of *Oliver Cromwell*, and being a man of a moſt extenſive and enterprizing genius, he not only taught the people in theſe parts the uſe of commerce, but enriched himſelf ſo, as to buy the eſtate of *Culloden* which his ſon and grandſon conſiderably augmented: This laſt was *Duncan Forbes* of *Culloden*, father to the deceaſed, of whom I am ſoon to ſpeak. This old gentleman was a real good man, he kept the worſhip of God ſtatedly and fixedly in his houſe, and when a chaplain or miniſter was wanting, he perform'd the office himſelf; he read the ſacred ſcriptures, with concern and regard; he ſung the praiſes of his creator with a truly thankful heart; and poured out his ſoul in prayer before him; and I can remember with pleaſure to have been once at a gentleman's houſe near *Inverneſs*; where the converſation turned upon his lordſhip: And there a

matron ſaid, " It is no wonder that Mr. *Forbes*'s " children have arrived to ſo great honours, for " ſure I am they are children of many a " prayer."

THIS *Duncan*, the deceaſed lord, was but the ſecond ſon; and had it not been for the greatneſs of his genius, the quickneſs of his diſcernment, and the every virtue with which he was adorn'd, 'tis hardly to be ſuppos'd, that there would have been occaſion for the following ſheets. He was ſent to the ſchool of *Inverneſs* with his elder brother *John*, and made ſuch vaſt progreſs in the latin language, as to be generally eſteem'd; after this he was ſent to the univerſity, where he wonderfully improved in the different branches of learning to which he applied. After finiſhing his education, he was adviſed to lay out his ſmall patrimony, *viz.* 550 *l.** in merchandize, for at that time he ſeemed to have a mercantile genius; this indeed he did but with little ſucceſs, which might be owing either to ſome unforeſeen accidents at ſea, or to the openneſs and generoſity of his heart, which was ready on every occaſion to ſuccour the indigent,

* It is a very great fault in *Scotland*, that the younger brother of a large fortune has almoſt nothing at all, and ſo is drown'd in obſcurity, whereas the elder merely from the priority of his birth ſhines in the world.

and

and perhaps too inconſiderately to lend out his goods, to people who prov'd unworthy of the truſt repos'd in them; while in this ſtation, he was inſenſibly led into what with the temperate and modeſt is juſtly look'd upon with diſdain; he and his elder brother whoſe generoſity was as extenſive as his genius, obtained the deſignation of being the greateſt bouzers, *i. e.* the moſt plentiful drinkers in the *North*, and frequently from that effect, did things, which tho' innocent in themſelves, may yet ſeem ſurprizing to the conſiderate part of mankind, as indeed they afterwards appear'd to themſelves. And here I beg liberty to inform the reader of a ſtory which the deceaſed lord has frequently told, and with ſo jocoſe an air, ſo much affability and ſweetneſs, as to procure reſpect and veneration from theſe who even did not approve the action.

THE lady of *Culloden*, the mother of the deceaſed lord, being dead, a very grand entertainment was prepar'd; and her funeral obſequies were intended to be perform'd with the utmoſt ſolemnity: On the day appointed, a prodigious multitude appeared, conſiſting perhaps of ten thouſand people. The noblemen and gentlemen preſent drank moſt plentifully,

and the care of the entertainment was devolv'd upon him, her youngeſt ſon, who play'd his part ſo well, that forgetting his grief, he made the company drink to ſuch an immoderate exceſs, as even to forget what they were doing; at laſt it was moved to proceed to the place of interment; they quickly roſe up, and rode from the houſe to the church-yard; but unluckily for them, they had neglected to give orders for lifting of the corps, that is the phraſe uſed in *Scotland*, for carrying them off; when at the grave, the main thing is wanting, and while all the friends are crowding to perform their laſt duty to the deceaſed, behold the ſubject is no nearer than the place in which ſhe died; a meſſenger is inſtantly ſent off to haſten up the corps, which was done with all imaginable ſpeed, and the lady was laid in the grave, with all the decorum and decency, that could be expected from gentlemen, who had fared ſo ſumptuouſly, and drank ſo plentifully at her houſe.

It will not, I hope, appear impertinent or diſagreeable to an *Engliſh* reader, if I trouble them with the manner of burying in the *Highlands* of *Scotland*, that ſo he may be led to form an opinion of theſe people, from this among many

many other circumſtances, *viz.* that they are apt to make a greater figure in the times of ſadneſs, than on an occaſion of rejoicing and mirth.

When any perſon of diſtinction dies, the neareſt heirs, lay themſelves out to take the moſt particular care of the funerals of the deceaſed. Burial letters (each being half a ſheet) to the amount of perhaps a ream of paper and more, are diperſed among their friends and acquaintances. Upon the day appointed for the interment, the moſt ſumptuous entertainments are prepared; wines * of all ſorts are provided in plenty, the moſt delicate rarities are cooked up; in ſhort, if the expences of a funeral be below the ſum of a full year's rent, the heirs of the defunct are reflected upon as mean and narrow ſpirited, and perhaps branded with more infamy, than if they had ſubjected themſelves juſtly to reproach and obloquy, by the moſt notorious actions. After they have regaled themſelves with wines and a variety of dainties, rather to be uſed on an occaſion of rejoicing, than of melancholy and ſadneſs, which the then circumſtances, might reaſonably be

* For by ſmuggling theſe are procured at the moſt eaſy purchaſe.

ſuppoſed

ſuppoſed to fill people with; an order is given for carrying the corps off; this is not done ſo quickly as every perſon would be apt at firſt to imagine; for a certain number of mourners are ready to go before the hearſe, and by their ſighs, their moans and doleful cries, to intimate the approach of the funeral; theſe play their part with a ſurprizing dexterity; they groan, they ſhriek, they make faces, they wring their hands, and diſcover every other ſymptom of grief; tho' perhaps they be inwardly filled with gladneſs, in conſideration of their being freed from the hands of their oppreſſor, and even rejoice at his death: when in the north highlands, I remember a pretty remarkable inſtance of this, and the rather do I mention it, becauſe it ſerves to illuſtrate the temper, the genius and complexion of the lower ſort.

A gentleman of ſome diſtinction had died, and on the day appointed for his burial, a certain number of the uſual mourners appeared, being moſtly the fair ſex; at the beginning of the proceſſion, they roſe up to act the part which I have been deſcribing, and indeed, they appeared to the few ſtrangers in the country, perhaps three or four, to be afflicted with the bittereſt

bittereſt grief; they ſeemed ſo deeply touched with the loſs, as even to refuſe to be comfort-ed; the moſt doleful and piercing groans, mingled with the loudeſt and moſt pitiful cries following one upon another; thus they continued for ſome time, and were the objects of great compaſſion to two ſtrangers, who be-held them with extream pity, and much ſym-pathized with their caſe; at laſt one of them ſays to her *cummer* * words to this purpoſe, "what's this we are doing, why do we weep "and cry all day for nothing, I am tired ſo "much, that I can cry no more, you and I "muſt have a choppin †; for we will receive "nothing from theſe (mearing the friends of "the defunct) if we cry ever ſo much." The propoſal was reliſhed with pleaſure, and away to the ale-houſe they went! but before I quit this digreſſion, I muſt obſerve, that this hypocri-tical cuſtom is attended with conſiderable in-conveniencies, I had almoſt ſaid, the moſt per-nicious conſequences; for if any perſon has been at variance with the defunct, he is brand-ed at the burial with the bittereſt reflections and moſt opprobrious invectives, and the people

* That is, her neighbour; for this is the Deſignation they give one another.

† That is, an *Engliſh* quart.

who

who ſing the *Cronach* * ſeldom fail by the masked ſorrow and pretended mourning, to raiſe the moſt invincible and obſtinate hatred in the hearts and minds of their friends: ſo that when an highland chieftain is dying, and unable to execute his malicious deſigns againſt the rival of his *greatneſs*, or the object of his hate; he is ſo far from acting the chriſtian in ſubmitting with reſignation to his circumſtances, and baniſhing every tumultuary paſſion, by exerciſing the god-like virtue of forgiveneſs, that he ſolaces himſelf with the thoughts of having his full revenge, by means of the reſentment that is raiſed from ſinging of the *Cronach* at his burial; and it's highly probable, from Lord *Lovat*'s expreſſions, both in his letter to the deceaſed Lord, and from his diſcourſes after ſentence of death was paſſed upon him, that old *Simon* comforted himſelf with this very conſideration; and wiſely did the government in diſappointing his ſcheme ſo far, as to order him to be buried in the tower; 'tis probable, I ſay, that a very loud and bitter *Cronach* would have been ſung before his hearſe, as he had often deſired, which perhaps might have raiſed enemies to the conſtitution; tho', indeed,

* That is, the mournful ſong before the corps.

thoſe

thoſe of his own name were the people principally to be blamed; ſince the two Houſes of Parliament dealt by him in the moſt candid and moſt impartial manner.

THO' the deceaſed lord was not of an highland family, or chieftain of one of their clans, yet as he lived pretty near them, he was well acquainted with all their cuſtoms; no man ever treated them with more chearfulneſs and affability than he; and no perſon looked with more contempt and pity upon habits that had a tendency either to enervate the mind, or to fill it with a ſpirit of revenge; he ſet an example of moderation and prudence to all his acquaintance, tho' ſometimes by the vivacity and ſprightlineſs of his genius, he fell into almoſt more than the innocent amuſements of life. At this time, he was a man of the moſt humorous turn of mind, and given much to the company of the fair ſex, with whom he frequently uſed freedom, and was freely uſed in his turn; for being one night at *Inverneſs* in company with ſome gentlewomen, among whom he was a favourite, he drank pretty plentifully, which with his ſitting up late, created a wearineſs, and this was followed by an inſenſibility of the place wherein he was; he fell aſleep a-

mong them, which they obſerving, and at the ſame time, being unwilling that either he ſhould continue in that place, where one or more of them were to ſleep, for fear of the conſequences if he ſhould awaken in the night-time, or at leaſt to avoid any cauſe of defamation, they laid hold of him; two went to each leg and arm, while one ſupported his head; and in this manner was he brought to his room. He has been frequently heard tell the ſtory with the utmoſt humour, and a ſenſible pleaſure always diſcovered itſelf, when he mentioned the condeſcending and generous treatment of the fair; but ſtill he, from a greatneſs of ſoul, avoided naming of them; for, ſaid he, they were women of the beſt character, and of a virtue that was never ſtained.

As his friends obſerved the depth of his underſtanding and diſcerning judgment, they adviſed him to apply to the ſtudy of the law, and this he did with ſuch ſurprizing ſucceſs, as to commence advocate in the 23d year of his age, *anno* 1708; and it was not long, till he made a conſiderable figure at the bar. Three years after his admiſſion, an opportunity offered of diſtinguiſhing his zeal againſt the *Jacobite* intereſt. The dutcheſs dowager of *Gordon*, who

was

was daughter to the duke of *Norfold*, complimented a medal of the old Pretender to the faculty of advocates, which being delivered to one of their number, was by him preſented to the meeting; as the ſociety at that time was divided into factions, each ſupporting thoſe great Men * at court, upon whom they had their dependance, a diſpute aroſe whether or not it ſhould be received; many ſmart repartees during the courſe of the argument, paſſed among the members of that learned body, too tedious here to mention, and among the number of thoſe who oppoſed the receiving of the Preſent, none appeared with more zeal than the deceaſed lord; it was urged, that the receiving of a medal was no way criminal, be the perſon ever ſo unfortunate, yea, that tho' the Pretender had been hanged, yet the taking in a piece of gold was but of little conſequence; medals, replied Mr. *Forbes*, are only ſtruck upon ſome extraordinary occaſion, and I never heard of any thing remarkable done by the Pretender, if indeed he was hang'd, ſomething extraordinary might be ſaid of him, as it was a death below the rank and dignity, which he

* Theſe were the Earl of *Mar*, who ſided with the *Tory* miniſtry, and the Duke of *Argyle*, who ſided with the glorious *Marlborough*, that ornament of his country.

arrogantly aſſumes, but, I think, " its time e-
" nough to receive medals of him when he is
" actually hanged." The proſecution of the gentlemen lawyers by her majeſty's advocate, and the brilliant part which the preſent Lord-preſident acted upon that occaſion, when he brought off his elder brother from the bar of the juſticiary, are too remote from the ſubject of theſe memoirs to be further inſiſted upon in them.

'Twas at the end of the queen's laſt parliament, that the gentlemen of the *North* of *Scotland* diſcovered a vaſt and particular deſire of having a ſeat in the houſe of commons, for effecting and compaſſing of which they left no ſtone unturned. The laird of *Culloden* put in for the ſame, and with a grand levee of his friends, did he enter every burgh, whoſe intereſt he was anxious to have; Mr. *Duncan*, was his conſtant attendant; and as *Culloden* himſelf could not be preſent in every company, he committed the care of ſome to his brother, who always behaved with the utmoſt generoſity and peculiar addreſs; one night when *Culloden* was indiſpoſed, Mr. *Duncan* was left to treat the company, and act the part of landlord, which he did ſo much to the ſatisfaction of his conſtituent,

tuent, as to endear himſelf always the more; he ordered plenty of wine to be brought in, and by well tim'd healths, and diverting converſation, of which he was the greateſt maſter, he detained them till the morning; but the effect of their carouſing was, that each of them lay in the moſt diſhabile poſture, unable to aſſiſt themſelves, or one another.

'Tis a cuſtom in the *North* of *Scotland* (highly indeed to be deſpiſed and abhorred) among the generality of gentlemen, to think that they do not entertain a viſitor in a proper manner, unleſs they actually ſhall make him drunk: and indeed ſo far has the deluſion ſpread that the viſitor ſcarce judges himſelf well uſed, if he be let paſs without the uſual compliment; and this obliges ſome gentlemen, otherwiſe very temperate, to comply with the cuſtoms of the place, in order to procure the favour and reſpect of the inhabitants: And ſo well pleas'd was *Culloden* in the morning, with the part that his brother had acted, that he from that day forth declared to him, that his purſe and his eſtate was at his will; he dropt his own pretentions to the diſtrict of *Burghs* * in favour of Mr. *Duncan*, and was as diligent in pro-

* *Inverneſs*, *Chanory*, *Nairn* and *Forres*.

curing

curing him the votes of the places, as if the cauſe had been his own. Among the ſeveral jocoſe incidents during their courtſhip of the towns one is not to be forgot. They had been at *Chanory* upon that occaſion, and, after they had drunk in the greateſt plenty, I had almoſt ſaid to the utmoſt exceſs, *Culloden*, juſt as the company was beginning to ſeparate, all of a ſudden, mov'd that they ſhould drink the health of the town; we have drunk ſufficiently reply'd ſome, and if we take more, we ſurely ſhall be uſeleſs; no, ſaid *Culloden*, unleſs we drink this health we do nothing; come then anſwered one, having a glaſs in his hand, here's the health of the town, let us now be going; that's not the way reply'd *Culloden*, it may be yours, but its not mine; he inſtantly ordered a large barrel of about 30 pints * *Scots* meaſure, to be brought forth to the croſs, he caus'd one to pour ten pints of brandy into it, and made them fill up the veſſel with water and ſugar; the caſk it ſeems had not been clean'd from the *ſalmon* that was packed up in it, for the ſcales of the *fiſh* were ſeen viſibly floating upon the ſurface of the liquor; every thing being prepared, *Culloden* called for a glaſs, drank the health of the town, and

* *Sixty* Quarts, *Wincheſter* Meaſure.

then

then gave a general invitation to every perſon, to come forward and partake of the benefit; and in the mean time retired with his company amidſt the acclamations of the people: this incident actually procured the intereſt and vote of the town, againſt the oppoſing party, *viz.* Sir *William Gordon*, of *Invergordon*, who was ſo far from the generoſity of *Culloden*, that he run into the oppoſite extream.

But not to dwell upon things that may rather ſerve to give the reader an idea of his complacency, than of the other great abilities wherewith he was endued, I ſhall proceed to things more material. After king *George*'s acceſſion to the throne, the peace which was expected, upon ſo glorious an event, was but ſhort liv'd; for the highlanders ever ready for tumults and inſurrections, in imitation of their rebellious anceſtors, and in violation of their moſt ſacred proteſtations * of loyalty, roſe up in arms to deſtroy a conſtitution, with which in a manner they have nothing to do, and which it is very immoral in them to meddle with. 'Tis not my buſineſs at preſent to enter into a detail of the tranſactions in the me-

* Alluding to the addreſs which they preſented at that time, *viz.* 1714, to the King.

morable

morable year 1715, ſhall only obſerve them ſo far as concerns the deceas'd lord: his elder brother with all his tenants in *Ferntoſh*, joined the other loyal clans, ſuch as the *Munroes*, *McKays*, *Sutherlands* and *Fraſers*; his houſe was the very receptacle of the chieftains while beſieging *Inverneſs*, which town was obtained by means of the timeous intelligence which he had procured; 'tis needleſs to mention the manner of Mr. *Arthur Roſe*'s untimely death by his own raſhneſs, or to dwell upon the delivery of a place to the government, with none other loſs than of one gentleman; I ſhall only ſay, that no man was more vigilant than Mr. *Duncan Forbes*; he was in a manner every where; ſo zealous was he for the ſervice and intereſt of his country, that he ſlept but little, he was in perpetual motion; he had a vaſt knowledge and underſtanding of the conſtitution; by his perſuaſive eloquence he enforced the advantages of it upon thoſe with whom he converſed; by his addreſs and clear reaſoning, he perſuaded many from taking arms, that were otherwiſe inclined to the cauſe, and by his advice and example, he prevailed upon others to beſtir themſelves in favour of the government. He was married to a daughter of

Hugh

Hugh Roſe of *Kilravock*, * whom that gentleman had by his firſt of five ladies; upon him did he prevail to muſter up his force, *viz.* five hundred men, and appear in the field; his reaſoning had ſuch effect upon Lord *Lovat*, as to make him join in the cauſe of the government, notwithſtanding his engagements with the Pretender, and even with the court of *Verſailes*. In a word, that gentleman did the moſt faithful and ſubſtantial ſervices at that time, but great as they were, yet no way to be compared with what upon a like occaſion he afterward performed; but of this in its place.

The Duke of *Argyle*, who at that time was lieutenant-general of his majeſty's forces in *Scotland*, was ſo well convinced of his unfeigned zeal, tha the treated him with peculiar marks of affection and eſteem, and obſerving his rare abilities, he profered to him the management of his eſtate in *Scotland*; this Mr. *Duncan* readily accepted, but declined taking any penſion or reward, tho' he might have made 600 *l.* yearly by it; he told his grace, that he was entirely devoted to his intereſt, that with plea-

* This gentleman was known to the highlanders, for when *Keppoch MacDonald*, was coming to plunder the *Brodies*, he hindered their aim, *anno* 1689.

ſure he accepted the taſk of managing his affairs, upon this conſideration, that he would give him his countenance, and treat him as a friend. The Duke obſerving ſo generous a turn, embraced his terms, and laid hold of every opportunity of promoting his intereſt: and ſoon did it appear, how wiſely he judged. In the year 1722, an election was controverted betwixt him and *Alexander Gordon* of *Ardoch*, brother to Sir *William Gordon*, formerly mentioned; Mr. *Gordon* was returned, and tho' he was reckoned the court man, as ſome phraſe it, and had his brother's intereſt to ſupport him, yet upon a reclaiming petition, he was turned out of the houſe, and Mr. *Forbes* declared duly elected: from this time, as he had always before, he made the moſt ſplendid appearance at the bar, not ſo much by the gaiety of his dreſs (for he always loved the gravity of the ſenator, and indeed this appeared to be unaffected in him) as by the ſtrength of his reaſoning and perſuaſive eloquence; which at once procured him the approbation of the bench, and rendered him the aſtoniſhment of the bar.

THE preſent lord *Arniſtoun*, now lord-preſident of the court of ſeſſion in *Scotland*, had made an early figure among the gentlemen of the

the gown; he had the advantages of a very liberal education, and was under the guardianſhip of perhaps as learned a man as any church can boaſt of, *viz.* Mr. *James Smith*, late principal in the college of *Edinburgh*; ever ſince Mr. *Dundaſs*'s appearance in his brother's behalf, on occaſion of the medal, as above, he was looked upon as the compleateſt orator that ever appeared at the bar; numbers of controverted elections were brought in from the north; Mr. *Dundaſs* was ſure to be employed as one of the lawyers, and Mr. *Forbes* as the other; for ſeldom or never were they of the ſame ſide; if the one appeared at the bar, 'twas ſurprizing if the other did not alſo appear, and yet ſo far were theſe two brave gentlemen from envy, or bearing an hatred, that on every occaſion, they expreſſed their higheſt regard for one another; with what luſtre did they appear at the bar, how were the learned charmed to hear their pleadings, how raviſhing to hear them expreſs the moſt perſuaſive arguments, of which none were capable but themſelves! and ſtill with a moderation and decorum that procured as much eſteem as the eloquence that flowed from them; ſome people have accuſed the preſent lord-preſident of paſſion, and others

have branded his predeceſſor with the ſame failing; nor is it mine to determine the controverſy, farther than by declaring, that if they had no blemiſhes, they ſurely muſt be more than men; and certain it is, that ſome others have diſcovered more heat than any one of them; tho' perhaps their ſhallowneſs in law ſcreened them from the narrow inſpection, which the others were ſo frequently viſited with.

In the year 1725, he became Lord *Advocate*, as Lord *Arniſtoun*, from a ſecret in ſtate policy, or from a ſudden turn at court, thought proper to reſign that office into his Majeſty's hands: In this ſtation he acted with ſo much candour as to adorn his profeſſion; he behaved with a fidelity becoming the moſt loyal ſubject, and with a ſweetneſs and compaſſion worthy a chief and principal ſervant of ſo mild a King: No man was more willing than he to bring villany to light, and none ſo ready to protect and defend the innocent. Among the many inſtances of this, I hope it will not be improper to adduce one, that ſo the character of the deceaſed lord may be illuſtrated by an example.

In *May* 1726, One *Margaret Niſbet*, ſpouſe to —— *Mac. Leod*, peruke-maker, in *Leith*, caus'd one *David Houſhold*, Cooper, in *Nairn*, who

who was then, if I miſtake not, her ſervant, to perſonate a man called *George Henderſon*, Merchant in *Edinburgh*, (for *Houſhold* very much reſembled him, both in ſtature and the lineaments of his face) and write a Bill payable to *Henderſon*, and indorſe the ſame to Mrs. *MacLeod*. She went with the Bill *(viz 50 l.)* to the Dutcheſs of *Gordon*, on whom it was drawn, and ſhe or her ſervants very haſtily apply'd for a warrant to ſeize on Mrs *MacLeod* the preſenter of it; Mr. *Henderſon* is alſo taken and confined, and the matter is tried before the lords; Mr. *Forbes*, fully convinced of the innocence of Mrs. *MacLeod*, as he thought her ſex pleaded for her, was fully ſet upon *Henderſon*'s life, and one day, during the time of their pleading, he came to the pannel and told him words to this effect, " Mr. *Henderſon*, don't " think to ſhift me by your mercurial chicane, " for I am convinced you are the forger, de- " pend upon it you ſhall hang or elſe I ſhall." All this time *Houſhold* was out of the way, and had gone to the *North*, but hearing of the diſmal ſcene that was like to be acted, as alſo of the puniſhment which *Henderſon* was like to ſuffer thro' his fault: He from a conſciouſneſs of his crime, confeſs'd the matter, and deſired

to

to be introduced to the Lord *Advocate*, in whoſe hands he entirely put his life. His lordſhip examined him, and deſired him to ſtay about his brothers houſe, 'till he ſhould go up to *Edinburgh*, in the time of the winter ſeſſion, and at the ſame time told him to commune with none upon the ſubject. His orders were obeyed, the cauſe was called upon the 4th of *November*, when Mr. *Henderſon*'s lawyers diſplay'd their learning in his behalf; the Lord *Advocate* roſe up, but inſtead of making a reply as was expected, he deſired to be excuſed from ſpeaking, 'till the young man, *Houſhold*, ſhould be examined; immediately paper, pen and ink are given him, and the bill *verbatim* dictated to him; which he wrote ſo very near, as that it could not be diſtinguiſhed from the original, which was inſtantly cancelled; *MacLeod*'s wife was devolved upon the juſticiary, and afterwards hang'd for the crime, and Mr. *Henderſon* was aſſoilzed from the barr; yet before his departure, Mr. *Forbes*, went to him, took him by the hand, and even acknowledged his fault in being ſanguine in the purſuit, and deſired to be excus'd. Mr. *Henderſon* anſwered perhaps with a warmth, which the ſprightlineſs of his temper and the hardſhips which he had groaned under,

could

could only attone for; but Mr. *Forbes* put up with his reſentment with a coolneſs that became ſo great a man.

THERE were but few proſecutions during the advocateſhip of this worthy patriot. Better twenty guilty men ſhould eſcape than one inoffenſive man ſhould ſuffer, was the maxim of his life: How unlike was he to the bloody *Mac Kenzie*, that ſlight and ſuperficial man, who was even in his element, when employed in perſecuting the covenanters, a people, upon whoſe principles, I had almoſt ſaid upon whoſe behaviour, the very revolution is founded; for the tyranny of King *James* was ſo glaring, that none but the moſt deſperate of wretches, who impudently call in queſtion the moſt genuine writs, if againſt him, and at the ſame time approve every ſcroll or forgery, if it can ſerve his cauſe, can defend. We live in better times and breath a freer air. Mr. *MacKenzie* the ſervant, was actuated by the ſpirit of his maſter, who knew not what it was to forgive. Mr. *Forbes*, was actuated by the temper of King *George*, whoſe diſtinguiſhing characteriſtick is clemency, whoſe children poſſeſs his virtues and who has two ſons, the one the delight of all men,

men, and the other the terror of rebellion, and his daughters are the ornaments of their ſex.

'Tis however ſcarce to be imagined, that in a courſe of twelve years, no proſecution ſhould happen, three or four were hanged, and even thoſe were proſecuted in his abſence; how unlike was this to the conduct of Mr. *Grant*, that remarkable ſir-name, on account of their neutrality, who did not procure a pardon to a poor drummer, tho' recommended to mercy by the jury. As their proſecutions were for houſe ſtealing and ſmuggling, and that theſe crimes, tho' notorious, often fall out, I ſhall not inſiſt upon them but proceed to entertain the reader with a trial of a ſingular nature, which may not be unworthy the beſt of men to trace out, as well as the moſt learned and experienced lawyer to think on: And it was the caſe of *James Carnegie*, of *Finhaven*, Eſq; on the death of *Charles* Earl of *Strathmore*, which happened at *Forfar*, ſometime in *April*, 1728, the manner of which was as follows.

That noble lord being at a burial in *Forfar*, a royal *Burgh* in the ſhire of *Angus*, (famous for the parliament, held *Anno* 1057, by *Malcolm Canmore*, upon his reſtoration, after the uſurpation of *MacBeth*, in which the titles of

Earl

earl were at firſt conferred) was afterward in company with ſeveral gentlemen, among whom were Mr. *Lyon*, of *Bridgtown*, and Mr. *Carnagie* of *Finhaven*; having taken a glaſs pretty heartily, Mr. *Lyon*, who was always looked upon as a dangerous man in company, endeavoured to provoke *Finhaven*, in the moſt inſulting manner; and when in a lady *Dowager*'s houſe, he even turned him upon his forehead, phillip'd him upon the noſe, wedged his hand in his face, ſwearing (if he did not diſpone his eſtate in ſuch a manner as he then directed) that he would maul *i. e.* bruiſe or beat him; upon their coming out, Mr. *Lyon*, and he walked together, and ſome high words paſſed between them; the former ſaid G—d d—m you, to which he got a ſurly reply, but no way deſerving of what enſued. He puſhed Mr. *Carnagie* into a kennell, about two foot deep, whence he was ſcarce able to extricate himſelf 'till aſſiſted by his ſervant, who ſaid to *Bridgtown*, Sir, " tho' you be a gentleman you are uncivil." During Mr. *Carnagie*'s entanglement, Mr. *Lyon*, folded his hands together, and in a jocoſe manner, look'd him full in the face, mocking him even in that condition: Mr. *Carnagie*, was ſcarce out of the kennel, when he

drew his ſword and run upon *Bridgtown* with a puſh; *Bridgtown*, quickly ſhifted his place, in order to make himſelf maſter of lord *Strathmore*'s ſword, and the unfortunate nobleman, being between them, and not minding the matter, was inſtantly run through the belly, up to the hilt of the ſword, about 3 inches above the navel. His lordſhip inſtantly fell down, and was carried to an houſe where he lingred in the utmoſt pain, 'till about the third day after, when he died amidſt the diſmal ſhrieks and groans of his friends, who were as ſenſibly touch'd at the fatality he had met with, as with the loſs of ſo worthy a nobleman, who in the utmoſt degree, poſſeſs'd the ſeveral virtues becoming the dignity of his birth.

Mr. *Carnagie* was in the mean time ſecured, ſent up to *Edingburgh* and proſecuted, before the high court of juſticiary, by the counteſs of *Strathmore*, in concurrence with his Majeſty's Advocate, who at that time was the deceaſed lord. Mr. *Dundaſs* of *Arniſtoun*, was employed for *Finhaven*, who upon his appearance at the bar, and hearing the indictment read againſt him, was asked in the common way, what he had to anſwer to the charge; to which he reply'd to this effect. "That God was his wit-

"neſs,

" neſs, he bore no hatred to the perſon of the
" deceaſed lord, having lain under peculiar
" obligations of kindneſs to him, and to thoſe
" of his houſe; that he was mortally drunk,
" for which he craved pardon of almighty God,
" and did not remember what happened af-
" ter his coming out of the lady *Dowager*'s
" houſe, and if he was the unhappy perſon who
" was the inſtrument of *Strathmore*'s death,
" that he rather a ſword had been ſheathed a
" thouſand times over into his own bowels".
And for the reſt of his defence, he referred their lordſhips to his lawyers. As this was not a direct confeſſion of the indictment before the court, the trial went on; the council for the pannel repreſented the matter as above, they pled upon the fatality, but deny'd the deſign. The ſeveral laws, both of nature and nations, the jewiſh law, the municipal law, and the laws and practice of *Scotland*, were minutely canvaſſed. It was urged, that in the nature of things, forethought was the meaſure of human actions, whether they were good or bad, and that an action proceeding from no forethought (as in the caſe of the pannel) was far from being ſo criminal, as the indictment would infer, and conſequently the libel ought to be reduced to an arbitrary puniſhment.

The law of *Moſes* was likewiſe adduced; and when lord *Arniſtoun* pulled the book out of his boſom, the Court and all preſent were as much aſtoniſhed, as they were afterward at the clear and prevailing arguments deduced from it; the paſſage quoted was from the 35th ch. of *Numbers* v. 11, and 12. " then ye ſhall ap-
" point you cities to be cities of refuge for
" you; that the ſlayer may flee thither, which
" killeth any perſon at unawares. And they
" ſhall be unto you cities for refuge from the
" avenger, that the manſlayer die not, until
" he ſtand before the congregation in judg-
" ment."——v. 22. " but if he thruſt him
" ſuddenly without enmity, or have caſt upon
" him any thing without laying of wait; or with
" any ſtone wherewith a man may die, ſeeing
" *him* not, and caſt it upon him, that he die,
" and was not his enemy, neither ſought his
" harm; then the congregation ſhall judge be-
" tween the ſlayer and the revenger of blood
" according to theſe judgments; and the con-
" gregation ſhall deliver the ſlayer out of the
" hands of the revenger of blood, and the
" congregation ſhall reſtore him to the city of
" his refuge whether he was fled:" to this he ſubjoined a quotation from the 19 chap. of *Deuteronomy*, v. 4. " and this is the caſe of
" the

" the ſlayer, which ſhall flee thither (that is to " the cities of refuge) that he may live, who- " ſo killeth his neighbour ignorantly whom he " hated not in time paſt;" he obſerved, that tho' there were no cities of refuge among us, yet that the law, was in ſubſtance the ſame; in a word, from many quotations both from ancient and modern lawyers, and from the practice in *Britain* and elſewhere, he made it clear as the ſun, that the libel or indictment ought to be reſtricted to an arbitrary puniſhment; but as the crown lawyers, had libelled a wilful and malicious murder, the court found themſelves obliged to declare the libel relevant to infer the pain of death; accordingly the proof was adduced; but ſo very far were the proſecutors from proving their indictment, that ſcarce ſo much was made clear, as Mr. *Dundaſs* himſelf had acknowledged on the part of his client, who was inſtantly acquitted.

Among the number of thoſe upon whom the law of *Moſes* made impreſſion, was the deceaſed lord; he ſet himſelf to the ſtudy of the *Hebrew* language, and conſequently of the ſacred ſcriptures, with which before this time he was but little concerned; he aſſiduouſly pored upon that ſacred tongue, and during the vacation, ſhut himſelf up in a retired place about two miles

miles to the weſtward of *Inverneſs*, denying himſelf every gratification that in the leaſt might interrupt his progreſs; he quickly ſaw a beauty and comlineſs in the divine records, that is not to be traced out by men of a narrow underſtanding; he ſoon became the greateſt proficient of his time, and even read the *Hebrew* bible no leſs than eight times over.

As every thing needs but a beginning, ſo in the caſe of the deceaſed lord, he became a champion for chriſtianity, and wrote in its defence againſt *Tindal*, with ſo much ſtrength of reaſon and clearneſs of argument, as effectually to confute the vile and ridiculous ſophiſtry of that unaccountable and infamous author, and ſo modeſt was he, that he would not ſend it to the preſs till he had ſubjected it to the peruſal of the reverend Mr. *Smith*, whom I formerly named. He ſtudied much the doctrines of the chriſtian religion, and did not all at once, like ſome unaccountable ſmatterers, who are ſcarce acquainted with the very firſt principles of learning, ſift theſe before the bar of an ill informed judgment, and diſmiſs them with blaſphemous and impious deciſions; the method of this great man was widely different, he tried them by a ſtrict examination, by a cool, rational

onal, and impartial enquiry, and reconciled to his reaſon, the doctrine of the trinity itſelf; and here I muſt ſay, that this tremendous doctrine, in ſpeaking of which, ſo many ſplit upon the rocks of blaſphemy, is ſo far from being contradictory to reaſon, that it is highly agreeable to it. Where is the contradiction, in avering, that in the divine nature, there are three perſons, and that theſe three are but one at the ſame time; they are not three in the reſpect that they are one, nor are they one in the ſame reſpect in which they are three; they are three in reſpect of their perſonality, and one in reſpect of their eſſence and ſubſtance, which things are ſo clear and evident, that I am aſtoniſhed that any man, who either is acquainted with the doctrine of light, of water, or of the winds, can take upon him to refuſe it: he was a great admirer of the writings of the Apoſtle of the *Gentiles*, I mean the Apoſtle *Paul*, whoſe wonderful diſcourſes and memoirs, will, I hope, laſt like the ſun, and bid defiance to the vicious and malignant pens of impious * and blaſphemous ſcriblers, who are ſo far blinded with prejudice, as to ſhake off not only all obliga-

* Alluding to a baſe and deſpicable performance called the hiſtory of the converſion of St. *Paul*.

tions

tions to religion, but even to decency itſelf; and not contented with a profeſſion of religion, he reduced its precepts into practice, lived an exemplary life, and encouraged virtue every where.

THE uprightneſs and integrity of his heart, with his pathetic and learned diſcourſes, were ſoon taken notice off in the *Houſe of Commons*; there were few members who did not court the acquaintance of Mr. *Forbes*, and his eaſy acceſs ſoon endeared him to them; how frequently has he been employ'd at the bar of the *Houſe of Lords*, and what flows of eloquence proceeded from his tongue, let the learned ſay, when pleading before them? Their admiration he likewiſe procured, and ſoon became perſonally acquainted with thoſe of genius and taſte, among the nobles; yea, the foreign Ambaſſadors were charm'd with his addreſs, and talked freely to him in *Latin*, a Language which he thoroughly underſtood.

HE was employ'd in ſeveral cauſes, and always behaved with a zeal for his client, becoming the truſt repoſed in him; his buſineſs at *London* ſoon became more beneficial to him, than that for which at *Edinburgh* he was principally deſign'd; and in caſes of difficulty he was conſulted even by the lawyers themſelves; he

ſome-

ſometimes appeared for a pannel before the criminal court as in the caſe of *Francis Charters* of *Amsfield*. This perſon being a gentleman of a very lewd life, was brought into a ſnare; he was proſecuted by a woman commonly looked upon as a proſtitute, and even accuſed of a rape; Mr. *Forbes* made ſo grand an appearance for him, as even to obtain the love and admiration of the audience, which was very grand, as ſeveral noblemen appeared at the tryal; yet notwithſtanding the utmoſt efforts, eloquence itſelf was not a match for facts evidently prov'd; Mr. *Charters* was condemned to die, and the officers ſeized his effects. Yet after this, he was pardon'd by ſollicitation of thoſe who had intereſt at court; and Mr. *Forbes*'s influence truly was great; and ſo conſcious was he of the ſtrenuous and noble part that the Lord Advocate had acted, that he even offered him his purſe; which he as generouſly refuſed, conſidering that above 6000 *l.* in ſpecie had been ſeiz'd from him, juſt after the ſentence of death was paſt; then ſays Colonel *Charters*, ſince you will not take my money, I will make you as handſome a preſent, and it is this; I underſtand that your eſtate lies a hundred or more miles from *Edinburgh*, and as you

have great buſineſs there, a country houſe near that city, perhaps, will not be diſagreeable; and as I have ſuch and ſome parks at *Stonie-hill*, within four miles of it, I make you a preſent of them for your life, and deſire that afterward they may return to me and mine heirs, which was accordingly done.

In the Year 1735, he fell into the Eſtate of *Culloden*, thro' the deceaſe of his elder brother, who was ſaid to have died of grief, becauſe of his not being elected member of parliament for the ſhire of *Inverneſs*, againſt the laird of *Grant*; the moſt poſitive aſſurances were given him by the *Highland* chieftains, that they would ſtand by him; but the truth of the matter was, that they were averſe from taking the oaths to the government, as a rebellion was then fomenting among them, and that the crafty *Lovat*, then ſheriff of *Inverneſs*, eſpouſed the cauſe of the laird of *Grant*; the preſent *Argyle* is ſaid to have befriended *him*, not ſo much out of regard to the *Grants*, as out of a turn of policy, which the courtiers are ever ready to take.

This addition to his fortune was no way equal to the ſorrow which he felt from the loſs of his elder brother; for never brothers loved one another more than they: The inſtances of

their affection are ſo numerous, as if recited would ſwell to a volume. I ſhall only give one, which is, that tho' in the year 1734. *Culloden* might eaſily have got the diſtrict of *Burghs*, *viz.* *Inverneſs*, *Nairn*, *Chanory* and *Forreſs*, yet he dropt them in favour of his brother the Lord *Advocate*, and even when baulked in his election for the ſhire of *Inverneſs*, he did not put in for them. The family of *Culloden* ever after this entertain'd a deteſtation at the *Grants*, yet ſo great was the ſoul of the deceas'd lord, that he treated one or two of worth among them, with particular marks of affection and eſteem: 'Twas about the beginning of *June*, 1735, that I had the firſt view of him in his grandeur, having only ſeen him once at *Nairn* before. As he came into the parliament houſe, the lords ſaluted him, the advocates at the bar ſoon followed their example, and afterwards came ſingly to him, taking a particular pride in paying him their compliments; he received them in a manner that diſcovered as much of a genteel addreſs, as of a diſcerning judgment, in ſhewing every one a reſpect and regard proportioned to his rank and merit, and indeed his very appearance was remarkably graceful among them.

In the year 1736, there was a proſecution of three ſmuglers, for breaking open a cuſtom-houſe in *Fife*, and robbing collector *Stark* of the king's money. As the lord advocate was not preſent, his deputy Mr. *Craigie*, purſued in his room; the indictment being proved, they were condemned to be hanged; yet upon a repreſentation of the matter to the lord advocate, he procured a remiſſion for one of them, whom he judged the leaſt guilty; the other two were to have ſuffered, had not one of them made his eſcape the ſunday before the Day appointed; and as the manner of it was ſurprizing, it will not be improper to ſet it down.

Andrew Willſon and *George Robertſon* were the criminals, and being brought out to the church in the uſual manner about half an hour after nine, with a guard, they were put into a ſeat; *Robertſon* as the elder, was ſet at the head of it, and the ſoldiers being only two or three ſat below them; *Robertſon* obſerving that all was clear before him, inſtantly roſe up, jumped upon the pew, and from one to another till he came to the door, where thro' haſte, he threw down the plate that was ſtanding for receiving the offering; a buſtle upon this enſued, which greatly contributed to his

get-

getting clear; the ſoldiers obſerved him at his firſt ſetting out, and roſe up to ſtop him, but *Wilſon* quickly interpoſed, and leaning over the man next to him, he held the other, and generouſly cried out, "Run, run, *Robertſon*, *fie* "run for your life." The officers of the town were ſent in queſt of him, but whether voluntarily, or by a wrong direction, they miſſed the road he had gone, and ſo he eſcaped, and is alive to this day. *Wilſon* upon this was cloſely confined, laid in irons, and executed upon the day appointed; and as a mob was expected to riſe, conſidering the heroic action of the man to his comrade, the neceſſary precautions were taken for preventing it. The ſtreet was clear'd of the ſtones and pebbles that lay upon it, a detachment of ſoldiers was drawn up in the *Lawn Market* during the execution, the party of the city guard who conducted the priſoner to the gibbet, was furniſhed with powder and ball, and the poor man was manacled. The whole was conducted with the utmoſt decorum, till about the time that the hangman was mounting the ladder to cut down the corps; when ſuddenly ſome unhappy perſon threw a ſmall clod, and hit him upon the cartalege of the noſe, ſo that it bled; upon

which

which ſome guns were diſcharged by the captain and his command; the ſhot were not without execution; for about a dozen were killed upon the ſpot, and ſeveral wounded. And now that I mention this officer, it will not be improper to give a ſhort account of a name that once reſounded through *Europe*.

John Porteous, ſon of *Stephen Porteous*, a taylor in the *Cannongate*, was bred to his father's buſineſs; he gave the moſt early ſymptoms of a perverſe and deſperate temper; he would curſe and beat his parents, who were people of an honeſt reputation and religiouſly inclined; he went into the army, but being hated by his comrades, and a plague to his officers, he eaſily obtain'd his diſcharge. Having returned to *Edinburgh*, he acted by his father as formerly he had done; and having got ſome good cloaths upon him, he made his addreſſes to, and afterwards married, a young woman, houſe-keeper to provoſt *Campbell*, who out of reſpect to her, and a perſuaſion of Mr. *Porteous*'s underſtanding the military exerciſe, preferred him to a Captaincy in the city guard: In this ſtation he acted the part of the moſt execrable of wretches; he was viciouſly ſet upon debauching other mens wives;

and

and took delight in ſpeaking the moſt horrid, moſt abominable, ridiculous and obſcene language that can be ſuppoſed come from into the mouths of the laſcivious: Theſe crimes though heinous in themſelves, and inconſiſtent with common ſenſe, were but trifles when compared with his other wickedneſs; vollies of the moſt ſhocking oaths were poured forth by turns on every occaſion; when playing at cards, he delighted in finding out new coin'd expreſſions; when the king of the ſuit fell into his hand, he called it the *King of Glory*, my heart trembles within me as the phraſe drops from my pen; and to the honours of the ſuit he applied the moſt ſacred names; when fully intent upon his buſineſs, he has been heard to ſay, when the magiſtrates ſent for him, "If God Almighty "ſhould ſend for me, I would not go till my "game is done." Add to all this, he was deſperately cruel, and ſo ſevere againſt the journeymen, that on every occaſion he would be ſure on the moſt frivolous pretence to beat them deſperately, with a large cane which he generally carried in his hand. 'Twas this man who commanded the party who guarded *Wilſon*; he accompanied the magiſtrates to the *Tolbooth*, as they went for the priſoner; the

Execu-

Executioner was ordered to put on the manacles, but as *Wilſon* was a large raw-bon'd man, 'twas with great difficulty that they could be made to cloſe upon his wriſts; *Porteous* obſerving the matter, thruſt the Executioner aſide, and ſaid, "What is this you are trifling at, give them to "me"; he viciouſly ſqueez'd the man's wriſt ſo that he ſaid to him, *Dear Captain, do not torment me for the little time I have to live?* "What need "you care and be damn'd to you, reply'd "*Porteus*, you will be ſoon out of pain". Alas! ſays the man, "I will not get ſo much "as a bible," if you uſe me ſo; what devil, reply'd *Porteous*, have you to do with a bible; on this the magiſtrates interpoſed, and commanded him to be eaſy.

As he returned from the execution which I have mention'd, he was ſent for to the council chamber; the city was in an uproar, the populace loudly cried out for ſatisfaction; ſome had loſt their children, ſome their huſbands, and ſome their parents; he was confined to the *tolboth*, and the difficulty was to ſcreen him from being torn in pieces, for which reaſon a magiſtrate conducted him in. His trial came on before the Juſticiary, where he was found guilty and ſentenced to be hanged; but ſome unlucky people

people us'd their intereſt with Queen *Caroline*, who was then guardian of the realm in the King's abſence, and ſhe being impoſed upon, gave him a Reprieve; the city of *Edinburgh* in general, and the magiſtrates in particular, were very much ſurpriſed at it; however, the will of that lovely and merciful princeſs who had diſcovered an uncommon love to *Britain* on all occaſions, muſt certainly be obeyed; but alas, on the night before the execution, betwixt nine and ten o'clock, a mob aroſe, entered the city guard, ſeized upon the ports of the town, burnt the door of the priſon, and about twelve at night, they brought him out in his night gown, and hanged him on a Dyer's pole, which ſtood near the uſual place of execution; he hung till ſix the next morning, when a magiſtrate ordered him to be cut down.

The actors of this ſcene, were at that time unknown, from the diſguiſed habits they put on. I ſaw the wretch carried down the bow, and hung up, but was I to go to death, I could aver that I did not know a ſingle perſon about him; that the directors were compoſed of more than the vulgar, will hardly be refus'd, from the circumſtances of the judicious oeconomy with which the whole was conducted;

for my part, the highland chieftains, who I judge entered into the rebellion, were the tranſactors of it; and that theſe were ſet upon, by ſome cunning deſigners who were in the plot with the old Chevalier; for ſeveral of theſe were ſeen take horſe next morning at the weſt port, which being the 7th of *September*, was an unuſual time for them to be at *Edinburgh*, unleſs upon ſuch an occaſion; further, it was about this time, that *John Roy Stuart* eſcaped from *Inverneſs* priſon to lord *Lovat*'s houſe, and from thence retired to the South. * The matter came to be talked of at court, for ſome paraſites whiſpered in the ear of the Queen, how much ſhe had been deſpiſed, and when the parliament ſat, it was moved, to bring up the magiſtrates of *Edinburgh* to their bar, and to try them for the riot committed in that part, of the king's dominions, of which they had the charge; accordingly they were brought up, and examined in the houſe of lords; the provoſt was declared incapable, the city of *Edinburgh* was deprived of her gates, and the town guard which ſhe honourably maintained; the late and preſent Duke of *Argyle* exerted themſelves upon that occaſion; as indeed did

* See the young Chevalier, ſold by *Griffiths*.

ſeveral

ſeveral other lords, both *Engliſh* and *Scots*; however they were over-powered; the bill was carried down to the houſe of commons, where it was again canvaſſed and met with great oppoſition; but none diſtinguiſhed himſelf more than the deceaſed lord; in imitation of his patron the late duke of *Argyle*, he ſhew'd to demonſtration, how contrary it was to the articles of the union, to the good of the nation in general, and of the city of *Edinburgh* in particular; he pointed out the injuſtice of puniſhing a whole city for the ſake of ſome unknown offenders, who out of malice to the place, or in order to raiſe an inſurrection againſt the government, might have come from *London*, from *Dublin*, from *Verſailles*, or even from *Rome* herſelf. Indeed the duke of *Argyle* had already ſpoken much to the ſame purpoſe, but then had not enforced it ſo much by the laws; however, he concluded one of his ſpeeches thus; " ſhall " then the metropolis of *Scotland*, the reſi- " dence of ſuch an illuſtrious race of kings, " who made it their greateſt glory to dignify " this noble city, ſhall ſuch a place as this, I " ſay, be ſtript of her moſt valuable privileges, " her guards and gates, for the ſake of ſome " unknown offenders, and a *Scotchman* calmly

" behold the havock. I glory, my lords, " to withſtand ſo rigorous a procedure, and " judge it my greateſt honour, to ſtand up in " defence of my native country, when the " ſame is expoſed to loſs and infamy". The lively repreſentations of Mr. *Forbes*, who cut down every argument that was us'd againſt the city, prevailed almoſt upon the whole. Sir *John Barnard*, one of the repreſentatives for *London*, joined him, and exerted himſelf in the cauſe: In ſhort, the bill was rejected by the *Commons*, by majorty of ſix voices. However, a fine of 2000 *l.* payable to *Porteous*'s relict was only impoſed on the city of *Edinburgh*. Some did it, others refus'd, and the amiable Queen, when urged to proſecute them, left word when in greateſt tortures, not to hurt them, and an *act of Parliament* for bringing to juſtice the murderers of the captain was fram'd, and the miniſters of the church of *Scotland*, were ordered under the penalty of loſing their benefices to read it on the firſt ſabbath of every month for a year. The part which the lord-advocate then acted was even ſurprizing; for as the poſt of preſident was then vacant, it was even imagined that he would humour the court; but his great ſoul, which was ever above any ſordid views, pre-

ferred

ferred the intereſt of his country to his own; and now have I brought him to that meridian, in which, like a ſtar ſhining in the time of harveſt upon the ocean, he appeared with a dazling luſtre.

No ſooner did he produce his commiſſion in *July* 1737, for being preſident, than he was received with a ſenſible pleaſure that was viſible in every face; for his name was univerſally known, and ſuch as knew him perſonally, did not think they had heard the half of his reputation; he was in the uſual manner ſworn to do juſtice without reſpect of perſons; and after the uſual formality in this way, he voluntarily bound himſelf moſt ſolemnly with a ſecond oath, that he would do ſo; and how well he obſerv'd his vows, is known to all who heard him. The faculty of advocates waited on him with their addreſs, and teſtified their great ſatisfaction with his advancement, and thanked him for the prudent, the wiſe and judicious diſcharge of the truſt that had hitherto been repoſed in him by his royal maſter: in a word, ſo great was the opinion of all ranks about him, that they conceived a through change of affairs was haſtening, with reſpect to the court of ſeſſion; and indeed their judgment was ſo far

right,

right, for a change happened, but the ſame was not ſo great in their thoughts, as in fact it afterwards appeared.

He ſet directly about reforming abuſes in law; he got an Act of *Sederunt* paſſed, that no cauſe ſhould continue above four years before the Parliament Houſe; and made many other wholeſom acts for the good of the ſubjects; he preſerved the greateſt decorum upon the bench, and by his ſingle authority, obliged a Quoram to ſit till he had ſigned the whole deciſions; he had frequently obſerved the cunning and falſhood of petty-foggers, meſſengers, and hackney-writers; when any of theſe had come before him, and were found guilty of impoſing upon their Employers, he appeared in a particular manner ſevere; for though no man made greater allowances for human frailties than he, yet, villainy never had ſhelter with him; his friends he loved, but never beyond the proportion of their merit; nor did he ever prefer them, but to the places they were capable of; a number of cauſes that had been depending for twelve, twenty, or twenty-four years, were diſcuſſed in the very firſt ſeſſion after he ſat; he diſcovered the moſt generous diſpoſition that ever centered in the breaſt of

a man: One particular inſtance of it ſtruck me, which was this. A ſheriff's officer one day appeared before the Lords for executing a ſummons upon the day preceeding the date of the Warrant that gave him the authority; the man ſeemed harmleſs and innocent; the preſident befriended him, becauſe he ſaw him only the blind inſtrument of another's villainy; it was moved to incarcerate the man; Lord *Dun*, who is every way, a great, a ſolemn, and a worthy Senator, withſtood the motion, but Mr. *Grant* of *Elchies*, then, and now Lord *Elchies*, anſwered, that though he was ſorry for the poor man, yet, when tools of villainy came before them, they were not to be paſſed; the man was ordered to priſon, but in ſuch a manner, as diſcovered the preſident's compaſſion; he withdrew to the ſide of the Parliament Houſe, and told one of the macers, that if he was put in priſon, he muſt ſtarve, as he had nothing to ſupport him; the Macer, Mr. *Mitchel*, faithfully informed the preſident of it, and whiſpered it into his ear; after deciding the cauſe that they were at that time upon, his Lordſhip ſaid, "My "Lords, we have ſent a poor man to priſon, "who is in a ſtarving condition, and has no-"thing to ſupport him, what do your Lord-

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" ſhips ſay to his caſe? There was a profound ſilence for a ſhort time; but at laſt, it was broke by him, " Come ſays he, my Lords, I ſhall " give him a crown, and if he raiſes your " Lordſhips compaſſion it is well, but remem- " ber its not to be a precedent." Their Lordſhips ſtill anſwer'd with ſilence, and another cauſe was brought on before them: He took particular care, that the lords ſhould punctually attend, and if they threw down their gowns before breaking up of the court, he ſent for them, and told them their miſtake, in ſo pathetic a manner, as made an impreſſion upon all who heard him: He was a punctual attender upon public worſhip every Sabbath-day; and during the Summer he came from *Stoniehill* in his chaiſe to the church, and reproved ſuch lords as did not attend.

He ſtudied the temper of the Advocates at the bar, and treated them in a manner ſuitable thereto; no man was ever more complaiſant, more tender and encouraging to young gentlemen of a modeſt behaviour than he; for with the compaſſion of a father would he treat them in Court; whereas thoſe of a proud and paſſionate turn of mind, he was ready to keep low, and when he obſerved them alter to the better,

better, then would he prompt them to perſe-vere in the tract they had begun; I remember one day to have heard a cauſe before the lords betwixt lord *Braco* and another perſon; Mr. *Alexander Lockart*, a gentleman of aſtoniſhing comprehenſion, of ſtrict veracity and honour, and a defender of the poor, had in his infor-mation this expreſſion, " procured the title of " lord." Mr. *William Grant*, the preſent lord advocate, urged, that the phraſe imported a reflection on his client; Mr. *Lockhart* was heard upon it; and the preſident demanded, what ſay you to that Mr. *Grant?* his anſwer was ſo trifling, that I neither do remember it, nor would ſet it down if I did; the preſident replied, " the phraſe is well choſen, and ne-" ver moved me, tho' perhaps it may ſome " nice gentlemen;" then he aſked of the other lords, if they had heard the definition of a nice gentleman, which they not anſwering, he re-plied, the definition of a nice gentleman is this, " a man of naſty ideas;" and with theſe words he modeſtly lifted up his eyes toward Mr. *Grant*, ſignifying that he was the perſon meant by. To give another inſtance of his deep know-ledge of Mankind; there is one Mr. *Andrew McDoual*, advocate, a gentleman of the moſt

generous and lovely character, being poſſeſſed of the ſweeteſt diſpoſition, ready on every occaſion to ſuccour the diſtreſſed; this gentleman is ſomewhat paſſionate, yet never but on the merciful ſide, and as the preſident knew his uprightneſs and goodneſs, and that it was what he could not help, he would paſs it over in the mildeſt way, and with the moſt agreeable condeſcenſion. Time would fail me to repreſent his actions on the bench, never man was a greater diſtinguiſher of merit, or rewarded it more amply. He was a friend to ſome, a benefactor to many, a well-wiſher to all, and an enemy to none; ſo mild and affable in diſcourſe, that none could reſiſt his perſuaſion: he encouraged the lords to do juſtice, and if he obſerved any bias in them proceeding from the face of a great man, he would ſay, by God's grace I ſhall give my thoughts ſincerely, and your lordſhips will judge in this matter as you will be anſwerable to God. When he ſpoke there was a profound ſilence, the lawyers and lords put themſelves in a liſtning poſture; and here I muſt apply to him a character from a book (*Job*) which he greatly admired. *When he went out to the gate; thro' the city, when he prepared his ſeat in the ſtreet; the young men ſaw him*

and

and hid themſelves; and the aged aroſe and ſtood up; the princes refrained talking, and laid their hand on their mouth; the nobles held their peace, and their tongue cleaved to the roof of their mouth. When the ear heard him, then it bleſſed him; and when the eye ſaw him it gave witneſs to him; becauſe he delivered the poor that cried, and the fatherleſs and him that had none to help him; the bleſſing of the man that was ready to periſh came upon him; and he cauſed the widow's heart to ſing for joy; he put on righteouſneſs and it cloathed him; his judgment was as a robe and a diadem. He was eyes to the blind, and feet to the lame. He was a father to the poor, and the cauſe which he knew not he ſearched out.

But tho' he preferred the publick to every private intereſt, yet he ſet his leiſure hours apart, either for taking ſuch diverſions as contributed to the ſoundneſs of his body and ſupport of his animal conſtitution, or for converſing with learned men, to encourage and countenance them in the performance of their Duty, and for refreſhing of his memory, by talking with them upon the branches of their ſeveral profeſſions. During the time of the ſummer ſeſſion at *Edinburgh*, he went out every *Saturday* to *Stonie-hill*, took only one gentleman with

him, and thus, except the time he devoted to hearing ſermon, taſted the pleaſures of a country life till the *Monday* that he came to *Leith*, and there played at the Golf. He diſcovered a diſſatisfaction with ſuch as played careleſly, and never ſeemed better pleaſed than when his antagoniſts exerted themſelves againſt him. He ſtruck the ball full, and having a long nervous arm, upon a well pois'd body, he generally drove very far; when nigh the hole, he tipped with ſo much caution and circumſpection, that even a leſſon might be learned from him in his innocent amuſements; for while they beheld the ſenator judiciouſly employ'd in ſuch wholeſome exerciſes, as tended to an improvement in a laudable dexterity, they were by his example diſcouraged from the idle and inſinuating recreations that entirely depend upon chance; and that generally are play'd in the moſt undue proportion. *

And not only was the *ſweet* his diverſion, but the *uſeful* his ſtudy, being made for both; being univerſally acquainted, he got intelligence of thoſe men who ſhone in their profeſſion; the admirable Mr. *McLaurin* was regaled and

* See Sir *Iſaac Newton*'s admirable *Theorem*, commonly called the Binomial, and there we find demonſtrated, that a chance which ſeems as 1 to 5, is but as 1 to 125.

careſſed

careſſed by him; he would talk with that illuſtrious gentleman in the moſt familiar way, and was not aſhamed to be inſtructed by him; the reader will pardon the epithet which I give to my great maſter, who I fear was taken away by the permiſſion of providence, in the vigour and meridian of his genius, to let ſhort ſighted men like me, know that he whom ſometimes we almoſt reckoned divine was ſubject to mortality; he died of the trouble which he contracted during the late impious rebellion; and tho' *Scotſmen* be generally branded as rebels, by thoſe who do not conſider that the fiftieth man in that kingdom, deſerves no ſuch name, yet *Scotſmen* ſuffered moſt in the cauſe; for abſtracting from the brave officers they loſt in the field, they were deprived of the life of Mr. *McLaurin*, who if put in the ballance with the Pretender and his whole rebel army, muſt outweigh them in the minds of the whole learned world; the world indeed ſuffered thro' the deceaſe of ſo great a man; but the *Scotſmen* who converſed with him at his leiſure hours, and the youth who were raviſh'd, with his divine lecture[illegible]hen under his inſpection, were the principa[illegible]ufferers: *Scotſmen*, tho' moſtly innocent, indeed may put on mourning, for the late rebellion,

bellion, ſince it raviſhed from them Mr. *Mc· Laurin*, the darling of the ſciences, and Mr. *Duncan Forbes*, the admiration and ornament of the law.

Nor was he confined to talk upon the ſciences, but as he lov'd the *Hebrew*, he mad himſelf acquainted with thoſe who were moſtly converſant in that admirable language; there was one Mr. *Thomas Boſton*, miniſter of *Etrick*,* who was well acquainted with it; he ſent for him once every year, and treated him with the greateſt affability and ſweetneſs, and freely converſed with him upon the niceties of that maſculine tongue.

He looked about for the beſt and moſt accurate reaſoners upon the ſpeculative doctrines of chriſtianity, and ſet hours, yea,, days apart, for converſing with them; Principal *Smith* was much in his eſteem while lord advocate, but

* Son of the famous Mr. *Boſton*, who has written ſo many heavenly treatiſes, and even contrived a way to read the *Hebrew* without points. I have heard many good men ſpeak much to his praiſe, and particularly I remember the ſaying of one Mr. *John Henderſon*, my *Latin* and *Greek* maſter (who was a man truly divine, of the moſt pious, lovely and obliging turn of mind, fitted for undergoing the moſt exquiſite difficulties, and baffling them with a reſignation to the divine will) *viz.* "that he hoped, thro' the "merits of Chriſt Jeſus, that the tears which he ſhed on "hearing Mr. *Boſton*'s ſermon upon the ſpiritual eſpouſals, "would be matter of joy to him thro' eternity."

that

that reverend gentleman dying a year before Mr. *Forbes*'s advancement to the chair, he was obliged to look out for others to ſupply his room, and he treated every one of taſte and genius in the moſt humane and amiable manner.

But not only did he talk with the learned, but likewiſe with the mechanic, and thoſe that apply'd to a country life, and in every one of theſe he inſtructed himſelf ſo well, that one would have been apt to think he was bred to their occupation, provided he had begun to talk upon it; never man was more encouraging, generous and kind to thoſe who farmed out his lands than he; nor was he leſs kind and complaiſant to the tenants of his patron the late duke of *Argyle*; for in the year 1737, being ſent by him to *Mull* and *Tyreff*, to let out his lands in theſe iſles, he entertained the Tackſmen with ſuch ſurpriſing narrations about managing of their ſtore, that they were not able to debate with him even upon the affairs of a country life. From *Mull* he went to *Tyreff*, and ſo narrowly inſpected that iſland, that he wrote an account of it; he talked freely with the inhabitants about their way of living, and always diſmiſſed them with an handſome preſent; and as he obſerved that they delighted

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in tracing out the genealogies of their families, he diverted them this way, but generally with a deſign to heal the animoſities and diviſions that ſubſiſted between them.

THUS he continued till the firſt breaking out of the rebellion 1745, when he applied himſelf to nip it in the bud; he ſent for the chieftains, ſucceſſively, and entertained them with a ſurpriſing and inſinuating air; he delighted them with his converſation, and perſuaded them with his eloquence; Sir *Alexander McDonald* of *Slate* was then at his houſe, and by the ſtrength of his arguments in favour of the government, he prevailed upon him to withdraw from the aſſociation in which he was ſo deeply engaged. He likewiſe talked with many others, upon the ſubject, and was the happy inſtrument of keeping above two thouſand of them from joining the ſtandard of the Chevalier. And not only did he hinder ſome from haſtning to the mad eſſay, but likewiſe wrote to the regency at *London*, for a commiſſion to raiſe twenty independent highland companies from among the loyal clans, * to be a drawback upon the rebels; his propoſal was accepted, and the commiſſion was

* See *Henderſon*'s hiſtory of the Rebellion, ſold by *R. Griffiths*.

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ſent down; of date the 30th of *Auguſt*, and the Lord *Loudon* arrived at *Inverneſs* upon the 11th of *October*, to take upon him the command of theſe levies, who by the ſoft and prevailing perſuaſion of the prudent lord preſident, were ready to muſter up at a call; and his own tenants in *Ferntoſh*, were wrapt up in ſuch admiration of him, that they were at his beck.

As his Houſe was almoſt in the center of the *Highlands*, ſo he had the beſt opportunities for obſerving every thing that paſſed; he got ſome ſmall guns which he planted for defence of his houſe; theſe were once of good ſervice to him; for about the 10th or 11th of *October*, a party came down to *Culloden*, in the night-time with a deſign to riffle his ſeat and pillage his parks; but before they could put their deſigns in exeution were happily prevented; the party of men whom he entertained about him fired upon them, on which they directly made off, leaving behind them ſome blood, brains, and other ſymptoms of the loſs they had ſuſtained.

He likewiſe exerted himſelf, in endeavouring to diſſuade Lord *Lovat* from joining in the rebellion; for he had too much penetration, not to obſerve the deſigns of that crafty noble-

man, from the train of his diſcourſe to the clans, and ſome other incidents, which fell out; notwithſtanding the moſt intricate craft and ſubtilty. Old *Simon* expreſſed his amazement at the Preſident's having the leaſt ſuſpicion of him, and even enlarged upon the madneſs of the attempt; but time ſoon diſcovered the part which he acted, and lord preſident no ſooner had intelligence of it, than he wrote to him in the ſtrongeſt terms, repreſenting his ingratitude to the government, and told him that all his intrigues were now obvious from the part which he, or at leaſt, his eldeſt ſon, under his direction, were acting; to which old *Simon* wrote an anſwer by one *Hugh Fraſer*, in which, as in ſeveral others, he laid the blame on his unnatural ſon, who acted thus without his advice *, he inſinuates that if any harm was done the inſurgents, it would tend to eraſe ſome ancient families, to whom he gives high encomiums, he points out a way to keep down the *Highlanders*, *viz.* granting them 25,000 *l*, and concludes, in ſo comical a way concerning the *Cronach*, as deſerves a place in no *Memoirs*.

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* See *Henderſon*'s Hiſtory of the Rebellion, ſold by *Griffiths*.

NUMBERS of Letters were afterwards wrote by the preſidenr to *Lovat*, diſſuading him from continuing in the rebellion, and even this when the flame was burning with the greateſt violence; and while old *Simon* was dictating an anſwer to one of them, wherein he acquainted the deceaſed lord, of his ſons obſtinacy in going into the rebellion; his ſon, the maſter came in, took the letter out of the hand of his amanuenſis, *Robert Frazer*, and after reading it, ſaid; "Good God! how is "this! accuſe me behind my back! to call "me ſtiff-necked and diſobedient! I will ſet "the ſaddle upon the right horſe, and if this "letter goes, I will go and diſcover to my "lord preſident, that my father, the lord "*Lovat* has forced me to what I have done." The old man ſooth'd his ſon's paſſions by ſtriking out (ſtiff-necked and diſobedient), and ſo the letter was ſent; upon delivering of it, the preſident ſaid to *Hugh Fraſer* the bearer, and afterwards wrote, that the conſequence that would ariſe to my Lord *Lovat*, from ſuch a ſtep taken by his clan, would in all probability be the ſeizing of his perſon, and making an inquiry into his conduct; but all perſuaſion was loſt upon a man who had accepted

a patent for being Lieutenant General of the *Highlands*, and of Duke of *Fraſer*, form the old Pretender's own hand; for when he received the anſwer, he ſaid to his ſon, " that he look-" ed upon the ſecuring his perſon, and inquir-" ing into his conduct, was rather as a bug-" bear," and that it was his opinion, " that " his ſon ſhould proceed in the underſtanding " he was engaged in" His opinion was the ſame as an order, and ſoon after they marched forty or fifty at a time to *Perth*, whither the maſter of *Lovat* accompanied by one *Hugh Fraſer* repaired, leaving old *Simon* to be ſeized by Lord *Loudon* and the preſident, which he ſoon actually was.

He continued at *Culloden* till the time that the rebels were flying before the Duke of *Cumberland*; that party who went by *Daal-nacardich* with the Pretender, had ſtaid five days, and as many nights at *Blair*, and three days in *Ruthven* of *Badenoch*, ſo that notwithſtanding their utmoſt precautions, notice of their advancing was brought to *Loudon*, and thoſe who were with him, by the hands of ſome truſty ſpies, but one of them was deprived of his life.

The Pretender went one morning to the hunting, and obſerving a man riding on horſe-

back

back at a diſtance, he ordered him to be ſeized; which was accordingly done: Poor *Riddel* (for that was his name) was examined, but ſo true was he to his truſt, that he would not diſcover the Letters that were about him; he was ſtript naked and his clothes were faithfully ſearched; perhaps he would have eſcaped, had not ſome perſon narrowly inſpected his gloves, in the head of which, one or two letters were found directed to Lord *Loudon* from General *Gueſt*, giving an account of the rout of the Pretender; who ordered one to intimate to him, that he muſt prepare next day for death, by ten o'clock in the morning; the tears of the man, and interceſſion of the officers, were loſt upon the young *Italian*, who was ever actuated by a ſpirit of clemency, the diſtinguiſhing characterestick of his houſe? Lord *Nairn* was ordered to guard him to the place of execution; but that nobleman's heart failing him, as he judged it a ſevere and cruel ſentence, he withdrew from being a witneſs of it.

As he advanced to *Inverneſs*, the preſident mov'd to fight him before he was joined by thoſe who had taken their rout by the coaſt; but as their plan of ſurprizing the pretender was diſconcerted, ſo it was judged proper to withdraw;

draw; as he was at the ferry of *Keſſoch*, when the Chevaliers party were firing frrom ſome cannon they had planted near the ſhore, ſome balls are ſaid to have even dropt at his feet; but as ſedately did he ſtand there, as he ſat upon the bench, when in no ſuch danger, not ſeeking to haſten his retreat beyond the bounds of common ſafety; though all that were with him, were not to be put in ballance with ſo valuable a life.

FROM a caution becoming the greateſt of commanders, he took particular care of having the valuable effects of the town's people ſecured, and ordered them to be put on board of a veſſel then in the road; which was accordingly done, but unfortunately, one of the Marquis of *Tullibardin*'s Aid de Camps got ſome boats manned, and ſeized it in the night time. Here they took a conſiderable quantity of money in copper, which ſerved in good ſtead for circulating among their troops, and the effects were ſold off at a public auction: He cauſed carry off his own valuable papers and effects, and gave full liberty to the whole militia to carry out of his parks as many of his cattle as they pleas'd; this they did, but ſtill there were ſome few left, which fell to the Pretender's ſhare: He gave the keys of his houſe to his Steward, and deſired him

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to give them into the Chevaliers's own hands, which was done; and when he received them, he is ſaid to have ſpoken thus, "Well, ſince "he has made me keeper of his houſe, I ſhall "take care of it."

When in *Sutherland* with Lord *Loudon* and the militia, he was the very ſoul of the party, and on their ſurprize, *March* 20th, he was the ſupport of their drooping ſpirits; from thence he retired into *Sky*, where he continued till the 25th of *May*, that he retired to *Inverneſs*, and was received by his Royal Highneſs, with the moſt diſtinguiſhing marks of affection and confidence; that young Hero was a quick diſcerner of his genius, he loved and admired him, and gratefully acknowledged him to be one of the grand ſupporters of his Father's throne, and to ſpeak in the language of that inimitable performance the *Campaign*,

"What tides of glory to his boſom ran,
"Claſp'd in th'embraces of the Godlike man!
"How were his eyes with pleaſing wonder fixt!
"To ſee ſuch fire with ſo much ſweetneſs mixt;
"Such eaſy greatneſs, ſuch a graceful port;
"So turn'd and finiſh'd for the camp or court:

His royal Highneſs put himſelf in a manner under his direction, and he always gave his moſt faithful and ſalutary advice; he was charmed to obſerve the clemency of the royal youth, in emitting proclamations for mercy, though he was ſenſible that none of them deſerved it; yet, when he heard of burning *Achna-Carrie*, Caſtle *Downie* and *Glengary*, he honeſtly diſapproved of the proceeding, as the owners had not been legally tried; his royal highneſs gave into the ſame opinion, but then it was impoſſible to ſtay the fury of the ſoldiers, more eſpecially the militia, who were ſo highly provoked; nay, the offenders, could not be known, and the places were too far diſtant from one another, and from the camp, to have immediate redreſs.

I ſhould not have mentioned this, if it was not to rectify the miſtakes of ſome who are deluded by the malignant and malicious ſlanderers of our Deliverer; for theſe even aver, that, the lord Preſident incenſed his Majeſty ſo far againſt his Son and General, as to reprimand him, and diſmiſs him from his preſence.

June 1746. He came to *Edinburgh*, and from thence went to *London*, where he was introduced to his Majeſty, received in the moſt gracious

gracious manner, and thanked by his royal Maſter for the ſervices which he did. After this, he was brought to the Prince of *Wales*, who behaved to him with that ſweetneſs, which proclaims him the darling, the hope, and ornament of the *Britiſh* nation; the whole court admired him, and being loaded with honours, he returned to his ſeat, but through fatigue became tender, yet by proper remedies was again reſtored to his health, and continued in a tolerable good ſtate, till the month of *November*, that he repaired to *Edinburgh* in time of the Seſſion, where ſoon falling ill, he died of a decay, upon the 12th of *December* 1747, in the ſixty-third of his age, exchanging the tranſitory enjoyments of this world, for others of a more refined Nature.

Thus died *Duncan Forbes* of *Culloden*, who was above ſix foot high, very ſtreight and genteel in his body, which much enclined to ſlenderneſs; his face was ſmooth and majeſtick, his forehead large and graceful, his noſe high; his eyes were blue and full of ſweetneſs, and tho' very quick, yet rather grave than ſparkling; the pupilla was charmingly intermixed with the white; his cheeks and chin [illegible] finely proportioned, his hands and arms [illegible] way de-

lightful; the moment he appeared in public, he challenged admiration and eſteem; his graceful outward parts beſpeaking more ſublime and internal beauties; if he had vices, which I really believe he had not in his latter days (I mean remarkable faults) it was no wonder, conſidering our make and conſtitution; for with ſo many accompliſhments and virtues, not to have had ſome blemiſhes, would have been too grea a portion for humanity.

FINIS.

BRITISH MUSEUM

Errata pag. 47, l. 3. *after* ſuppoſed, r. to, and *for* from into the mouth, r. from the mouth, p. 52, l. 22, *after* for a year, r. that ſentence in l. 14. which begin Some did it, others refus'd, *and end with* not to hurt them. p. 68. l. 8. *for* unnderſtanding, r. undertaking.